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CONGRESSIONAL RECORD — SENATE

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We repeat, this proposed amendment has no place in the Constitution.

[From the Cedar Rapids Gazette, Apr. 15, 1966]

THE BIG CITY MYTH

An argument heavily relied on by proponents to sell the Dirksen amendment on legislative apportionment is that the big cities will take over the government in each State if the Supreme Court's one-man, one-vote decision is not repealed or modified.

Even a cursory examination of the facts exposes this argument as a full-blown myth, whether legislators are elected from single-member, or multimember, districts.

Arizona's House of Representatives offers a good example because it was one of the few in any State to be apportioned on a population basis before the Supreme Court's decision was handed down.

There are 80 members in Arizona's House and exactly half come from single-member districts in the largest county, Maricopa, where the largest city, Phoenix, is located. Another 17 represent the second largest county, Pima, with the second largest city, Tucson. So, between them these 2 big-county, big-city delegations could outvote the rest of the State 57 to 23 and would control every piece of legislation introduced, according to the Dirksen amendment proponents.

But the record shows that the delegations from these two counties have seldom agreed on anything since Phoenix was made the capital city. Moreover, Maricopa County's 40 representatives (or Pima County's 17, for that matter) seldom ever vote as a bloc on any question. More often than not they split every conceivable way on important issues.

This is because they represent different interests and different political parties and each has the same say-so as the next fellow because each represents about the same number of people. So neither the big counties nor the big cities dominate in Arizona.

Even in Iowa, where the house delegations from the two biggest counties (Polk with Des Moines, Linn with Cedar Rapids) were elected at large, there is no evidence of big-county, big-city domination that even closely resembles the small-county, minority-rule domination that existed, without objection from most Dirksen amendment proponents, for the first 60 years of this century.

The facts are that under one-man, one-vote apportionment there seldom are big-city, small-city, big-county or small-county blocs. Instead, small minorities are formed, usually on the basis of constituent, business, personal, or area interests, to deal with each substantive issue.

Minority A may favor a sales tax increase, minority B an increase in the income tax, and minority C an increase in luxury tax, while minority D wants to hold the line on all taxes and minority E wants to increase the school aid appropriation.

When the sales tax increase bill comes up, minorities B, C, and D, like small eddies in a large pool, flow into enough of a temporary majority to beat it. Mission accomplished, they swirl away from the majority to reform into small minority eddies. Then, when the bill to increase the income tax comes, minorities A, C, and D may flow together to block it unless minorities B and E have enough strength to pass it, etc.

And in each minority, one finds representatives from big and small counties, from various areas of the State and from each political party.

Under one-man, one-vote apportionment the big city myth is exploded. So is the equally full-blown myth that small counties have no voice. It provides for each legislator to represent approximately the same number of people as his fellow legislator,

and has the same voting power, regardless of where he lives.

So we agree with Dirksen amendment proponents who say "let the people decide." Under one-man, one-vote apportionment, the people will decide, through their elected representatives, every issue coming before each session of a legislature.

But the Dirksen amendment seeks to restore 1-man, 19-vote apportionment to Iowa—and restore apportionment of even greater disparities to some other States. That's another reason why it has no place in the Constitution and should be defeated by the Senate.

Mr. PROXMIRE. Mr. President, I should like to refer once again to the questionnaire of political scientists which has just been placed in the RECORD.

It is interesting that as long ago, I believe, as 2 years ago, the Gallup poll questioned people throughout the country on their position on the Supreme Court's one-man, one-vote decision, and this most highly respected and most scientific of polls found that by an overwhelming majority the people of America supported the Supreme Court's decision.

Now we find the political scientists, the men whose lives are devoted to studying government and specifically State and local government and reapportionment by a most decisive majority of 4 to 1 approve the Supreme Court's decision and disapprove any amendment such as Senate Joint Resolution 103, which is now pending before the Senate, which would set it aside in whole or in part.

It seems to me that this is convincing and impressive testimony. Many people might wonder, under these circumstances, why it is that the House voted so strongly for the Tuck bill, which would have stricken the Reynolds against Sims one-man, one-vote decision, and that the Senate, in its last vote, voted something like 57 to 39 for another version of the Dirksen amendment.

Mr. President, the answer, I think, is that Members of the Senate are, of course, very sympathetic with their good friends who serve in State legislatures, and very responsive to the feelings of State legislators. This is natural, it is predictable, it is understandable. As one who has served in a State legislature, I find myself in great sympathy with these people, who are under pressure, and find it is extremely difficult for them, without destroying their careers or the careers of good friends, to follow a one-man, one-vote principle.

But I believe that Senators should re-examine their positions, recognizing that the position taken by the Supreme Court is sound not only in the judgment of an overwhelming majority of the people when questioned, but also in the judgment of the political scientists.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I sub-

mit that the most significant single issue in the entire debate over the reapportionment amendment is the extension of the right of franchise involved in the amendment's provision that the people of each State will have the opportunity, by popular vote, to choose, within a well-defined framework, between alternate plans for the composition of their State legislatures.

This issue can be summarized very simply in the phrase, "let the people decide."

I confess that it has been rather wryly amusing to me, and I am sure to many of my colleagues who share my strong feelings in support of the amendment, to note the rather defensive squirming evidenced by opponents over this basic feature of the amendment.

It is not easy for an elected public official to take the position that he is opposed to the right of franchise; or, that he believes that the same people who have exhibited such sterling intelligence, such superb sagacity, such inspired good judgment, in electing him to office cannot be trusted to exercise similar keen perception in voting on an issue of such grave importance to them as the method of choosing their State legislature.

Indeed, many of the opponents of the reapportionment amendment have chosen to avoid this embarrassing phase of the issue—preferring instead to paint dark pictures of alleged dangers such as wholesale adoption of the rotten borough system of merry old England or of city slickers being conned into legislative pigeon drops by fiendishly clever rural hayseeds, always forgetting that none of these unlikely inequities could possibly take place unless a majority of a State's people, voting on a one-man, one-vote basis, approved them.

Mr. President, there should be at all times during this debate firmly fixed and borne in mind that the proposed amendment in itself does not change the Supreme Court's ruling in Reynolds against Sims. It simply gives to the people of each State an option to modify in a limited way the Supreme Court's interpretation of the Constitution, subject to a carefully worked out procedure designed to safeguard the interests of the governed. The procedure includes the requirement for bicameral legislatures of one house thereof remaining apportioned solely on a population basis, as required by Reynolds against Sims; the option to the legislature to propose a plan for the second house being apportioned on a combination of population and area or political subdivision; the necessity to place such a proposed plan on the ballot where it must be approved by popular vote before it can become effective; and the further requirement that there must be a review by popular vote of such action every 10 years.

Clearly, such a procedure makes provision for deliberate, intelligent, and prudent action on a fundamental policy question by the very people who are most directly concerned and affected thereby, and who are most eminently entitled and most qualified to determine issues of that kind.

And that brings us immediately to the question: Does one really believe that a majority of a State's people, under any circumstances, would vote to impose on themselves, for a 10-year period, a legislative apportionment system contrary to their own best interest?

If one really believes that, then how can one justify the belief that a majority of a State's people can competently choose, for a 6-year period, the best qualified person to represent their interests in the U.S. Senate?

The two positions are incompatible, of course. It is no wonder that few of the opponents of the reapportionment amendment choose to argue against the principle, "let the people decide."

But there are some opponents of the amendment who do—some people who do attempt to justify, on philosophical grounds, their unwillingness to extend the right of franchise to the people on this important issue. I think their arguments deserve attention.

For example, the senior Senator from Illinois [Mr. DOUGLAS] has been quoted in the *Progressive* magazine as stating that:

Equality of voting is an inalienable right and should not be tampered with. We should not submit a constitutional amendment which would subtract from the inalienable rights of American citizens. Citizens cannot sell themselves into permanent indentured servitude even though they do so contractually.

We find this curious argument repeated in the views of several Senators contained in the report of the Committee on the Judiciary, which reported Senate Joint Resolution 103 to the full Senate:

Citizens of this country cannot sell themselves into slavery. The degree of freedom of religion and speech we enjoy have never been considered proper subjects for determination by referendum. Our inalienable rights are protected under the Constitution, and they ultimately derive from the moral law.

There are so many things wrong with this line of argument that it is difficult to decide which of its many inner contradictions to refute first.

Citizens voting by orderly, established process on a specific, well-defined proposal in the secrecy of the voting booth do not sell themselves into slavery. They determine thereby their own destiny in fashion well approved by self-government principles. To deny them that opportunity in the present instance, however, would in harsh reality subjugate them to slavery created by Supreme Court decision if that decision were one which the people did not want for their respective States. Let them have a chance to decide whether they favor that decision or not. The Dirksen amendment gives them a chance to do so. Opponents would deny the people that opportunity.

INALIENABLE RIGHTS UNDER OUR CONSTITUTION

So-called inalienable rights, derived from moral law or natural law, have been the subject of argument by philosophers since the beginning of time.

Our Declaration of Independence states:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and pursuit of happiness.

Nowhere in the Declaration is the particular definition of "equality of voting" as based exclusively on one man, one vote listed as an inalienable right.

(At this point Mr. HARRIS took the chair as Presiding Officer.)

Mr. HRUSKA. Mr. President, nor is this alleged inalienable right, which several Senators imply is protected under the Constitution, mentioned in that document. To the contrary, the Constitution specifically prescribes a very different procedure to insure equality of voting with respect to the composition of the legislative branch of the Federal Government—a procedure which balances the one-man, one-vote concept in the selection of one house with the regional concept in the selection of the other house. This procedure, the precedent for which is established in the Constitution, is the very procedure which the reapportionment amendment would make possible in the composition of State legislatures, provided the people of any State desire it.

Furthermore, the 10th amendment of the Constitution, provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Under this provision, the people of the United States always have believed they possessed the inalienable right to pattern their State legislatures after the federal system, if they so desired—and they did have that inalienable right until a majority of the Supreme Court decided to take it away.

But it is instructive to remember that the Court based its apportionment decisions on an interpretation of the 14th amendment to the Constitution. And while many able constitutional authorities and members of the Court itself disagree with that interpretation, it is undeniably true that the 14th amendment was not an original part of the Constitution, but like other amendments was added to it by the people themselves, through action of their State legislatures.

In other words, if those who believe that their particular definition of voting equality is an inalienable right under the Constitution, it is a right not determined by moral law, but by the people themselves. And if the people decide that they made a mistake, or that the Court's interpretation of the intent of the 14th amendment with respect to legislative apportionment is a mistake, they have the power and the right, under the amendment procedure, to correct that mistake, and to assert for themselves, if they choose, the prior inalienable right they possessed under the original Constitution, to define voting equality in a manner that is different from the definition sought to be imposed by others.

May I remind the Senate that the people at one time adopted the 18th amendment to the Constitution, then

later decided that they had made a mistake; whereupon they adopted the 21st amendment to correct that mistake. In both instances they resorted to article V of our Constitution providing amendment procedures. It cannot be plausibly argued that the adoption of the 18th amendment forever enshrined prohibition against the sale of alcoholic beverages as an inalienable right and the Congress should not have submitted the 21st amendment to the State legislatures for ratification because it would have subtracted from that right.

INALIENABLE RIGHTS UNDER THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Another document dealing with inalienable rights, to which the United States has subscribed, is the Universal Declaration of Human Rights adopted by the 1948 General Assembly of the United Nations.

This declaration cites an extensive list of rights and freedoms to which everyone, in every country is entitled. Voting rights are set forth as follows:

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

And:

Article 21. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Voting rights are not defined in the Universal Declaration of Human Rights as an inalienable right not to be tampered with; neither the U.S. Constitution nor the Universal Declaration enshrines the exclusive procedure of one man, one vote as an inalienable right, as some opponent would have us believe it is. Indeed, the voting procedures practiced in the United Nations itself are distinctly contrary to the Senator's concept of equal suffrage.

According to the Universal Declaration of Human Rights—

The will of the people shall be the basis of the authority of government—

That is the very basis—the rationale—of the reapportionment amendment. It is a restatement of the phrase, "let the people decide"—truly an inalienable right which opponents of the amendment would deny the people.

The opponents of the reapportionment amendment seem to be perfectly content to entrust the matter of the people's rights, not to the people themselves, but to the transient majorities of courts. What are we to make of their statement "the degree of freedom of religion and speech we enjoy have never been considered proper subjects for determination by referendum"?

The freedom of religion and the freedom of speech, of course, have utterly nothing to do with methods of voting procedures in the apportionments of State legislatures. Unlike the latter, which are not specifically defined in our Constitution, religious freedom and the freedom of speech are specifically enunciated in the Constitution. But as every-

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THE SITUATION IN VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for 4 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, during the past year, our Armed Forces, by their sacrifices, gave a new lease on life to the non-Communist military and political structure of South Vietnam. But let us not delude ourselves. That new lease on life runs only so long as U.S. support continues and, in present circumstances, continues to grow.

Indeed, the price may be expected to rise once again as a result of the current chain of developments. Certainly, political changes since the death of President Ngo Dinh Diem have tended to increase the cost of support in terms of U.S. lives and aid.

It has been said that the French lost the war not in Indochina, but in Paris. It has been implied, in parallel oversimplification of this most complex problem, that if the present war is lost, it will not be lost in Indochina but in the United States and, more specifically, in Washington, and perhaps even in the Senate of the United States.

I think it is about time to dispense once and for all with glib assertions of that kind. The great need is to probe for the dimensions of this complex and changing situation and for a rational role for the United States. The reality is that if Indochina is lost it cannot be lost by the United States, which has never possessed it, does not possess it now, and would not possess it if it could. The reality is that, in any meaningful sense, Vietnam cannot be won or lost in the United States or Washington. Nor can it be won, in a final or an enduring sense, by Americans in Vietnam who have carried their difficult tasks at such great sacrifice.

But if it comes to that, the future of Vietnam can be won or lost in Saigon by a failure of Vietnamese leadership and by the continuing inadequacies of the present politico-military structure. It can be lost in Saigon, too, if we do not exercise in this matter a wise restraint against overeagerness to help and in this recent crisis President Johnson has acted most commendably. It cannot be said too often that in this day and age, and in matters of political leadership in particular, our efforts cannot be substituted for the efforts which must come from others on behalf of their own peoples.

To sum up, whatever their outcome, recent events tell us that there is trouble in Vietnam. It is deeper and more complex than we have heretofore been prepared to acknowledge. We will do well, now, to face up to that fact and to the fact that we are deeply enmeshed in the trouble. We may be prepared to let alone these inner conflicts in South Vietnam, but they will not let us alone. They may appear peripheral to us in view of the emphasis which has been given to other aspects of the problem. In fact, they may have very little to do with the war in which our forces are engaged.

But the fact is, too, that they are inseparable from that war from the Vietnamese point of view. Indeed, for many in South Vietnam, the present difficulties are more central to the problems of Vietnam than the war.

We can ignore these considerations only at the risk of turning the war in Vietnam into one which is, at best, irrelevant to the people of Vietnam and, at worst, one in which their hostility may readily be enlisted against us. We had better recognize, instead, that these recent manifestations of schisms in Vietnam lend added emphasis to the validity of the President's policy. He has designed that policy to serve U.S. interests by an active and continuing search for negotiations in an effort to end the war and so contain our involvement in Vietnam within reasonable limits.

It bears repeating, therefore, at this time that there is only one really basic factor which from the point of view of U.S. policy is essential to a prompt end to the conflict by negotiations and to the withdrawal of U.S. Forces. That factor has been described, in effect, time and again by the President, and without "ifs," "ands," or "buts." That factor is the establishment of conditions, through negotiations, which will assure and safeguard an authentic and free choice to the people of South Vietnam as to their political future and as to their ultimate relationship with North Vietnam. That and that alone is the objective of the United States military effort and the President's policy.

It is most unfortunate that neither the United Nations nor the Cochairmen of the Geneva Conferences—that is the United Kingdom and the Soviet Union—or other participants therein have been able to bring about negotiations looking to a peaceful solution along these lines. It may be, as the Soviet Union and others have said, that conditions do not exist at this time which permit them to take an initiative for negotiations. But it may also be that efforts to bring about negotiations may be pressed more usefully elsewhere than either through the Geneva conferees or the United Nations. It may be that negotiations should be sought with greater vigor precisely in the region where the proximity of the conflict lends a greater sense of urgency to the necessity for its settlement.

It has been said many times and, in my judgment, correctly, that a just settlement of the Vietnamese conflict by negotiations would serve the interests of this Nation as well as other nations which are either painfully involved or threatened with involvement. If that is the case, then perhaps there is something to be said for a direct confrontation across a peace table between ourselves and Hanoi, Peking, and such elements in South Vietnam as may be essential to the making and keeping of a peaceful settlement in that region.

Certainly, there would be no better place to locate a peace table of this kind than in Japan or Burma or some other proximate and appropriate Asian setting. It is not in Europe but in Asia and the United States where the pain of the war is felt. It is in Asia where the implica-

tions of this war are most grim. It is in Asia where other nations are immediately threatened by its spread. It is, in short, in Asia where the peace must be made and kept. It may well be, therefore, that it is in Asia where peace must now be—directly and vigorously—sought.

Mr. SALTONSTALL. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. As one who has followed this problem as closely as he can, what the Senator said makes a great deal of sense.

Is it not also true, in the Senator's opinion, that to have negotiations of that kind, the South Vietnamese must have a government of their own which can join in negotiations, and in which government the people of South Vietnam must have enough confidence so that they will support anything that comes out of negotiations by negotiators of their government?

Mr. MANSFIELD. The Senator is correct. Of course, there are elements to be considered in South Vietnam, such as the Catholics, the Buddhists, the Cao Dai and the Hoa Hao, which over the past several weeks have been involved in the difficulties of the present government in Saigon. They should all be considered, these elements within South Vietnam.

Mr. SALTONSTALL. But we cannot negotiate in Japan or Burma, as the Senator said, with Hanoi, Peking, or anybody else unless the South Vietnamese have their own negotiators representing their government and that government has some stability.

Mr. MANSFIELD. The Senator is correct.

Mr. SALTONSTALL. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). How much time does the Senator request?

Mr. AIKEN. Mr. President, I request 3 minutes or such time as I might need.

In regard to what the Senator from Massachusetts has said, I think it is quite obvious that conditions in the South Vietnam Government will either become much better or worse within the next few weeks, and we hope they will be much better.

I would endorse the suggestion of the Senator from Montana as to the Southeast Asian Conference.

It appears that the combatants in this war have subscribed to the terms of the Geneva Conference as the basis for settlement.

But the reason there has been no reconvening of the Geneva Conference is that Russia, being the cochairman with Great Britain, has refused to join with Great Britain in the calling of this Conference in an effort to settle the war in Vietnam.

I see no reason why other countries concerned should any longer wait upon the desires of Russia, whatever they may be. Sometimes it appears that Russia

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unpaid, or member of any municipal board, agency, committee or commission shall:

"Directly or indirectly use or attempt to use his position to secure any preferential or unlawful rights, benefits, advantages or privileges for himself or for others.

"Directly or indirectly engage in any business, transaction, public or private, or professional activity, or shall have a financial or other personal interest, direct or indirect, which is in actual or potential conflict with the proper discharge of his duties.

"Disclose or use confidential information concerning the municipality to promote the financial or other private interest of himself or others.

"Accept any gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the municipality and over which business dealings he has power to take or influence official action.

VOTING LIMITS

"Vote for the adoption or defeat of any legislation or for the payment or nonpayment of any indebtedness owed or allegedly owed by this town in which he has a direct or indirect personal pecuniary or private interest.

"Represent any private interest before any agency or board of the municipality to the detriment of the municipality or for the purpose of personal gain, or in any litigation in which the municipality is a party.

"Accept other employment or professional retainers, or the promise thereof, that might reasonably conflict with the performance of his official duties, or that might reasonably tend to impair his independent or impartial judgment or action in the exercise or performance of his official duties."

Another section would prohibit officials who have any direct or indirect financial interest in any transaction or contract before the municipality from voting or deliberating on the matter.

EXCEPTIONS

Local officials also would be barred from involvement or investment in any business "which will impair, or reasonably tend to impair, his judgment or action in the exercise of his official duties." There would be no prohibition against investing in national securities registered under the Federal Securities Exchange Act, in shares of a federally registered investment company or in securities of a registered public utility holding company.

The code proposes the creation of a local board of ethics to supervise the program. The suggested makeup is five members, one named by the mayor and four by the municipal council. One member would have to be a lawyer, but none could hold any other office or employment in the municipality.

The board would issue advisory opinions when questions on potential conflict of interest are raised by any municipal agency or employee.

HEARINGS ASKED

If sworn complaints are made against any official or employee, the board would conduct a public hearing and make a decision on whether there was improper action. If the board finds impropriety, the municipal council then would decide whether to censure, suspend, or fire the official or employee.

Kuttner concedes that the field of conflict of interest legislation has always been a kind of political no man's land. But he said he is hopeful the Jaycees campaign will help to break down this traditional resistance. He reported that 10 communities already have adopted similar legislation.

In 1964, Kuttner participated in an attempt to get the State league of municipalities to

adopt officially a model code of ethics for presentation to its nearly 600 member municipalities. It ran into a dead end.

PROTECTION OF PARKLAND

Mr. CASE. Mr. President, a few days ago, as I have done before, I urged Brig. Gen. C. M. Duke, Engineer-Commissioner of the District of Columbia, to place in a tunnel the entire leg of a freeway scheduled to run through West Potomac Park, one of the most important and beautiful parks in the Nation.

Immediately following my statement, a Federal roads official publicly attacked the tunneling concept, saying it should be avoided because it is expensive and impairs a motorist's view of the local scenery. According to a newspaper account, he added:

"Parks are not developed for landscape architects or for the exclusive use of a few people living near them, or even for the heads of park departments—and after reading this morning's paper, perhaps I should say 'Not for U.S. Senators, either.'"

Apparently he believes that parks are for one thing only—providing more space for highways. The whole range of needs of the urban human being are of no account; the only thing that matters is that the motorist's view be unobstructed. But what sort of a view of anything does the motorist get while traveling the superhighway at 60 or 70 miles an hour?

The statement of the Federal roads official brings to mind the saying that wars are too important to be left to the generals. Equally, highway building is too important to be left totally to the highway builders. I have no quarrel with their performance of their engineering job. Obviously they know how to build highways.

But I do challenge any assumption that they should have the final say as to where a highway ought to be placed, or how it should be designed.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New Jersey may have 3 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CASE. I am grateful to the Senator from Montana.

I believe the final determination is a matter for those officials in each community who carry overall responsibility for maintenance its viability and livability. The best highway does not always run from point to point by the shortest distance.

The attack on the tunneling concept ignores the chorus of protest which has arisen in cities across the country. In San Francisco, Philadelphia, New York, and many other places, as well as in New Jersey, responsible citizens are up in arms—and rightly so—over the destructive impact of superhighways on their communities, on their parks, and on historical sites.

Highways are a necessity—but highways must be designed and located so that they do not destroy the livability and individuality of our cities.

This need is especially urgent in our Nation's Capital. If we are to retain Washington's historic heritage, if we are to maintain the livability and charm of our Capital City, extra pains must be taken to make certain in our highway building—and in all other public projects—we give attention to the full range of community needs, both tangible and intangible.

Tunneling highways should be viewed as an opportunity—not as an obstacle. It offers the possibility of improving transportation within our cities and suburbs while at the same time protecting neighborhoods, businesses, parks, and other open spaces.

I called attention to this on the Senate floor last August 2 after reading an article which discussed the feasibility of building tunneled highways. The thrust of the article was that tunnels are getting cheaper to build and operate, and open highways more expensive; therefore, it would be useful to consider putting many of our new roads underground in congested areas.

The concept of tunneling was endorsed last year by Federal Highway Administrator Rex Whitton at a National Capital Planning Commission meeting on the alignment of the south leg highway through West Potomac Park. And only a few days ago, I might add, Mr. Whitton joined in a statement that found "attractive" a plan to construct another segment of the local highway system under a main thoroughfare.

It is true, indeed, that parks are not the private preserve of anyone. They are for all the people to enjoy. But they will not exist for anyone if we permit them to be overrun by modern, multilane superhighways.

In our increasingly urbanized society, more parks and other recreation areas are needed—not fewer. Too much of our precious and limited park land already has been swallowed up.

I shall shortly introduce legislation designed to stem the steady erosion of park land in the United States. Under my bill, among other things, park land taken for highways and other nonpark purposes would, as a matter of course, have to be replaced by equivalent land elsewhere.

Adoption of this principle of compensation in kind is long overdue. It is certainly desirable everywhere. It is essential in our cities if any urban parks at all are to be saved.

Under my recommendation, the park land taken would have to be replaced acre for acre—or, if you will, foot for foot.

We hear much talk about preservation of natural beauty in this country. Commendably, the First Lady is pressing a campaign to make everyone conscious of the need to do his part in this effort. Yet at the very moment when this campaign is reaching its climax, it is clear from the statement that spurred my remarks and from the threat of highway construction in the midst of the world-famous cherry blossoms, that some Federal officials still have not gotten the message.

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does not want us to leave that area. She has declined to join with Great Britain in calling this Conference. There is no reason why the Conference should not be called to meet in that general area of southeast Asia, and if any nations concerned do not want to show up to participate in the Conference, then that is something we ought to find out.

I hope that there will be progress made along this line, and that we will not feel obligated to wait longer for Russia to do what we think she should have done many months ago.

Mr. MANSFIELD. I appreciate the remarks of the Senator from Vermont. His remarks are always cogent.

Mr. President, will the Senator yield to me?

Mr. AIKEN. I yield to the Senator, if I have time remaining.

Mr. MANSFIELD. I think it should be called to the attention of the Senate that the President of the United States stated in his state of the Union message on January 12 of this year:

There are no arbitrary limits to our search for peace. We stand by the Geneva agreements of 1954 and 1962. We will meet at any conference table, discuss any proposals—4 points or 14 or 40—and consider the views of any group.

On August 3, 1965, when he laid out his nine points at a press conference, the President stated in response to a question as follows:

And as I have said so many times, if anyone questions our good faith and will ask us to meet them to try to reason this matter out, they will find us at the appointed place, the appointed time, and the proper chair.

Finally, at the same press conference he made the following statement:

But we insist and we will always insist that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South or throughout all Vietnam under international supervision, and they shall not have any government imposed upon them by force and terror so long as we can prevent it.

I cite these statements to indicate that there is a real and personal interest which the President has in bringing this difficulty to an honorable and just conclusion, and I commend him again for the caution and restraint he has shown during the past 4 or 5 troublesome weeks.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. I have listened with great admiration to the magnificent statement which has just been made by the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished Senator.

WHAT IF KY IS OVERTHROWN AND THE NEW GOVERNING BODY IN SAIGON DEMANDS OUR WITHDRAWAL?

Mr. YOUNG of Ohio. Mr. President, recent political agitation and rioting and violence in South Vietnam, with its overtones of insurrection and anti-Americanism, present a vicious situation to our GI's overseas in southeast Asia and to the parents of those boys.

Prime Minister Ky has been in office since June of last year when 10 generals overthrew the civilian government. They chose Ky as Prime Minister.

The political facts of life are that in all of the time since last June, Ky has not initiated nor accomplished any reforms for the unfortunate and landless living in the area over which he claims to be Prime Minister. The facts are, of course, that the Saigon government which he heads does not now and has not controlled at any time even half of the land area of South Vietnam. Ky never had control of the South Vietnamese military commander of the 1st Corps area, Thi. The northern border of the area occupied by the 1st Corps, or supposedly within its responsibility, is at the 17th parallel which, according to the Geneva accords, is not a boundary line but marks the temporary demarcation zone separating North and South Vietnam until there is a general election.

Diem was returned to South Vietnam from the United States and installed as President under the aegis of the United States and by operations of the CIA. He called off the election that was agreed to at the Geneva conference.

Unfortunately recently at Honolulu, President Johnson in summoning Prime Minister Ky to confer with him, gave him, respectability and treated him as leader of all the Vietnamese people of South Vietnam. James Reston of the New York Times wrote that our President said this knowing that this "was not true but hoping he could make it true if he said so but it did not work." Ky apparently had an inflated opinion of his power. He announced a death sentence on the mayor of Da Nang without arrest or trial. Violence broke out to an extent that 50,000 men of our Armed Forces in Da Nang were ordered to remain at the base and for their own safety to stay off the streets of Da Nang.

South Vietnam is not, and historically never was, a nation. Now, an insurrection is raging, not only in Da Nang but in Hue, Saigon and elsewhere. This is a rebellion within a civil war. It may be that our Armed Forces and CIA will manage to keep General Ky in power. It is evident he could not last a week as Prime Minister except for our support and intervention.

When Defense Secretary McNamara says that this war in Vietnam is not a civil war, that there is a direct and flagrant aggression by North Vietnam, his statement is so fantastic as to be humorous. It is well that we Senators, at least most of us, retain our sense of humor. Unfortunately, the Secretary is on untenable ground when he claims aggression from the North. North Vietnam is not a nation foreign to the area termed South Vietnam since the Geneva agreement of 1954. For many hundreds of years there has been a nation—Vietnam. The Geneva agreement provided for a temporary division with reunification following the election agreed upon.

The basis of American intervention in the beginning, and the claim was made, that we are in Vietnam at the request of the ruling government of Saigon against external aggression. The late great President John F. Kennedy said that this is a Vietnamese war and they must win or lose it. He also said that claiming South Vietnam as a bastion for the defense of the United States is ridiculous. If a new government comes into power, even temporarily, in Saigon and demands that the Americans withdraw their forces, where are we? Of course, in all honor, there is only one alternative and that is to withdraw all of our forces to the bases on the coast where our 7th Fleet and air power can readily repel any aggression and then withdraw our forces to the United States in an orderly manner and without undue delay.

Up to this good hour the militarists seem to have prevailed with our President. Our Armed Forces in South Vietnam and off the coast of South Vietnam now exceed 300,000. The entire population of South Vietnam is 14 million. Of the 14 million a very large majority are women and children. In addition, we now have 40,000 men of our Armed Forces in Thailand. Also, the President has said we shall bring in more "from time to time."

Likewise, more troops from North Vietnam probably will cross into South Vietnam. Escalation on our part leads to escalation on the part of the Communists. Escalation from Washington induces escalation from Hanoi and more recruiting and drafting of soldiers by the VC fighting us in South Vietnam. Then escalation grows on both sides. This is an indefensible self-defeating situation leading nowhere.

Earlier this month for the first time during the entire period of 1 week more American GI's were killed in combat than were those of the ARVN forces, or soldiers of our South Vietnam allies. Apparently, the Saigon military administration of Prime Minister Ky has been so weakened and battered by the revolt in Saigon, Da Nang, and Hue and elsewhere its leaders have lost grip of their armed forces and our Vietnamese allies have lost their spirit to fight. It would be surprising if the situation were otherwise.

If a civilian group ousts the militarists of the Ky regime and then demands that Americans get out surely our Commander in Chief would have no alternative other than an orderly withdrawal of our forces to our bases on the coast upon protection of our 7th Fleet and air power and then reassignment to the United States or to some of our bases overseas in Europe. We would not lose face by this disengagement. We have lost face by involving ourselves in a miserable civil war in the territory that was Indochina. To Asiatics we are regarded as the aggressor seeking to perpetrate the Indo-French Colonial Empire from which France withdrew 200,000 soldiers in 1954 and gave up all hope of imperialism and despotism over the area now termed Vietnam, Cambodia, and Laos.

INCOME TAX CREDIT

Mr. YOUNG of Ohio. Mr. President, I am hopeful that the proposal of the distinguished Senator from Connecticut [Mr. Ribicoff] to provide an income tax credit of \$325 per family for each youngster in college will soon be written into law.

Much necessary legislation has been enacted to assist low-income families. Grants and loans have been made available to needy college students. Various laws have been enacted to lighten the tax burden on businessmen and higher income groups. However, the wage earner in the middle-income group has been largely forgotten when tax bills have been passed. With the cost of higher education becoming excessive, he is finding it increasingly difficult to provide for his youngsters' educations. Likewise, his income bracket makes it difficult or impossible for them to qualify as needy students.

The Ribicoff amendment, so-called, was for a tax credit, not a deduction. While a deduction saves a \$15,000-a-year man more tax dollars than one who earns \$5,000, a tax credit saves both the same amount of dollars. This credit would afford a tax break for middle-income wage earners.

Mr. President, I recently received a very thoughtful letter on this subject from Donald Faulkner, vice president of Western Reserve University in Cleveland, Ohio, one of the great universities in my State of Ohio and the Nation. I commend the views of Donald Faulkner to all Senators and ask unanimous consent that his letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio, April 11, 1966.

Hon. STEPHEN M. YOUNG,
U.S. Senator,
Washington, D.C.

DEAR STEVE: I noted your discussion of the debate and vote on income tax credit for college tuition.

The arguments you presented in "Straight From Washington" certainly tell the story.

We have again in our recruitment procedures this spring increased evidence that the very poor and the very rich are helped through tax arrangements but the great middle professional group in America find little relief.

Western Reserve University still holds its tuition several hundred dollars below the average of those schools with which we compete; i.e., top complex type private universities, the best of the 4-year colleges like Oberlin and Swarthmore and the truly great State universities. The average for the private university, as you know is approaching the \$2,700 to \$3,000 per year level for tuition, board, and room. Many are today above the \$2,700 limit.

Next year Reserve will go to \$1,450 tuition from \$1,300. The following year we will probably be forced to increase it again since I cannot operate for long on large annual deficits. Each year we are, of course, increasing our financial aid to students but again this advantages the very poor, all formulas generally eliminating the middle group.

I honor you for your stand.

Sincerely yours,

DONALD FAULKNER,
Vice President for Finance.

HOMAGE TO ABRAHAM LINCOLN—
ADDRESS BY ANTONIO CARRILLO
FLORES, SECRETARY OF FOREIGN
RELATIONS, REPUBLIC OF MEX-
ICO

Mr. DIRKSEN. Mr. President, it was our good fortune to accompany the President of the United States to Mexico City for the dedication of the Abraham Lincoln statue and the dedication of Lincoln Center in the very center of that city of 6 million people.

Homage was rendered to Abraham Lincoln by a very distinguished diplomat whom we all know. He has served in the United States with real distinction as the Mexican Ambassador. I refer to Antonio Carrillo Flores, who is the present Secretary of Foreign Relations.

I ask unanimous consent to have printed at this point in the Record the address that our distinguished neighbor delivered on that occasion.

There being no objection, the address was ordered to be printed in the Record, as follows:

HOMAGE TO ABRAHAM LINCOLN

(Address by Antonio Carrillo Flores, Secretary of Foreign Relations, at the ceremony unveiling the statue of the liberator donated to the Mexican people by the people of the United States.)

Mr. President, I am gratified and honored to fulfill the duty you have entrusted to me of expressing to President Johnson and to each and every one of the members of his delegation the gratitude of the Mexican Government to the people of the United States for the gift of this statue of the liberator, Abraham Lincoln, that Mrs. Johnson has just unveiled.

We recognize as a special proof of friendship the fact that the U.S. Chief of State has come all the way to the Valley of Anahuac, accompanied by such distinguished personages, to participate in this ceremony in which we render homage to a man who is a glory of his country, of America, and of the world.

The President of the Honorable Permanent Commission of Congress, the President of the Honorable Supreme Court of Justice, the Governor of the Federal District, members of the Cabinet, Ambassadors, ladies and gentlemen, Abraham Lincoln arrives to this park, which from today will bear his name, only a few months after Benito Juárez, also in bronze effigy, returned to New Orleans. It is therefore appropriate that I open my speech with the plain words of Luis G. Urbina, a poet whose name is borne by a street near this garden, who said before the monument to the Benemérito Juárez:

"He is here because he was great and because he was just."

Lincoln was a son of Kentucky, as we see him portrayed in this splendid work of art, tall, very tall. He was more than a meter, 90 centimeters in height, spare, with strong arms and hands that with an axe had felled trees. He had gray eyes, unruly black hair, and a constant aspect of melancholy that even his best biographers have not been able completely to explain.

Greatness and humanity are blended in him, naturally, spontaneously, just as are the brook and the woods of New Salem, the Illinois village which was the scene of his youthful dreams. Alongside the vision and character of one of the few who have determined the direction of history, he preserved always the air, the brusque cordiality, of a man born and bred on the prairie.

One of the three women that we know he loved, daughter of a Kentucky farmer, found him even "deficient in those little links which make up a woman's happiness." And

history records the bafflement of the elegant New Yorkers present at Cooper Union that snowy night of February 27, 1860, at his disordered dress, his uneven gait, the initial tremor of his voice. But these limitations draw his image nearer to the common man and contribute to his charismatic charm.

He died exactly 101 years ago, at dawn, after the city of Washington had lived through a grievous night. Only a few days before, he had recounted to his wife a strange presentiment:

"About 10 days ago I retired very late * * * [and] soon I began to dream * * * I thought I left my bed and wandered downstairs * * * until I arrived at the East Room, which I entered * * * Before me was a catafalque * * * Around it were stationed soldiers who were acting as guards; and there was a throng of people, some gazing mournfully upon the corpse, whose face was covered, others weeping pitifully. 'Who is dead in the White House?' I demanded of one of the soldiers. 'The President,' was his answer; 'he was killed by an assassin.'"

On the morning of the 14th of April 1865, he met with his Cabinet for the last time, to discuss the policy to follow in relation to the States that had attempted to separate from the Union, as the terrible Civil War that had devastated the United States for 4 years had terminated only 5 days before. "There are men in Congress," he said at this meeting, "possessed of sentiments of hate and vengeance that I do not share and with which I cannot sympathize."

His assassin, an obscure theatrical actor, did not realize that he had destroyed a champion of the spirit of justice and tolerance toward the vanquished and had opened a most bitter period for those in whose interests he believed himself to be acting.

The afternoon preceding that tragic night the President took a short walk with his wife. "Mary," he said, "we have had hard times since we came to Washington; but the war has ended and we can look forward to 4 years of peace and happiness. Afterwards we shall return to Illinois and pass there peacefully the rest of our days." Lincoln did not return alive to his beloved Springfield. That night he went to the Ford Theater and to his death.

Supreme master of the written and spoken word, he had no pretensions as an intellectual or erudite. His reading, of the highest quality was limited: the Bible, Shakespeare, Blackstone's Commentaries on Anglo-Saxon Common Law. And yet, in the utterances of his last year, he reached a nobility, a profoundness of thought, a perfection of form unequalled by any other statesman of the Western World since Pericles' funeral oration 25 centuries before. The brief paragraphs of the Gettysburg Address, preserved in marble on the banks of the Potomac, contain the best definition and eulogy of democracy ever made; "that government of the people, by the people, for the people, shall not perish from the earth," because it is "dedicated to the proposition that all men are created equal." No words can say more than these to the hearts of men of all races, of all beliefs or of none.

Lincoln was a complex and multiple personality; and his rights to greatness are numerous. For his country he was, and is, what he above all wanted to be: the savior of its unity and its democratic institutions in the deepest crisis of its history.

He took office as President in March 1861, after many political reverses, at a time when the problem of slavery was beginning to cleave the country in two. The precarious equilibrium that had permitted the coexistence of the young and steadily stronger industrial economy of the Northern States with the feudal regimes of the South was upset in 1854, when it appeared that slavery was about to be extended to new territories of the Union.

ture. The discerning observer can see courage reflected in a vote—or pettiness, or dignity, or cupidity. In this hallowed Chamber America's great, her mediocre, her strong and her weak have gone on display.

It is perhaps a mark of the destiny of the Nation that here little men have risen above themselves and great men have stumbled.

Yet when the great tests occur, when the vital issues of national or international import are at hand, there nearly always is within us a surging desire to rise to the issue—not as partisans, not as pork-barrel politicians but as Americans true to the cause of the Nation.

When we falter in our historic tasks it is not because we are not up to the issue; it is because we are not acting with the issue in our mind's eye. Plagued with our human frailties, with our preoccupation with the groupings of economic and political power, with ambitions to become President or Vice President, with debilitating zest for playing a part in clique A against clique B, C, D, E, or F—these are the moments when the issue can escape us. These are the moments when we do not cast a vote for the people and for the future.

It is said that within the walls of this Capital great political battles are being waged. It is said that these battles are far beyond the pale of the people. They are battles for ultimate political power—power that can control the very Presidency itself.

In all humbleness I beseech my colleagues today to face one of the great moments in U.S. history with the consensus of greatness out of which this Nation was forged. Our cause is not of the manipulation of men. At issue is our strength as men to vote in the historic concept which brought this Congress, this Nation, into being. We Members of Congress who periodically go to the people and humbly though vigorously seek their votes for ourselves are voting on whether the people shall have the right to vote on the fundamental structure of government within their States.

The issue is as simple as that. It is to enfranchise the people in the determination of the peoples' affairs.

The resolution to give the people this right to vote is a consensus of the safeguards important to the preservation of the principles which have been voiced and advocated by those thoughtful people within and without the Congress who have devoted their energies and talents to a workable solution.

I salute those who have worked and wrangled and toiled to perfect this vehicle. These are men who understand the vision of America. Out of their wisdom has been fashioned a document to meet the true test of viable law intent on preserving, protecting and advancing the rights of the people.

Mr. President, Senate Joint Resolution 103 is a permissive piece of legislation designed to permit needed flexibility in the composition of one house of State legislatures. It fully protects minority rights. It mandates periodic review of apportionment in the States. It does not

usurp judicial authority, but rather provides guidelines where none now exist.

It meets head on the test of apportionment in compliance with existing law as a prerequisite of ratification.

Senate Joint Resolution 103 is not concerned with whether a State legislature is apportioned on a basis of population in both houses or only in one. It does no violence to any existing body of State government.

It is solely and simply a vehicle by which the people of a State may meet their own legislative needs without injury to the rights of any.

Now it comes to pass in wiles of men in debate when one is bereft of legitimate argument.

This is the vexing problem of the minority in this body who would deny the people the right to decide the reapportionment question.

So it is that an ingenious, new strategy has been unleashed within this body—one that is bold and daring and fills all with awe at its simplicity.

They have talked about almost anything except the merits of Senate Joint Resolution 103.

The trouble with the "do not confuse us with the facts, our minds are made up" strategists is that the people of the United States, in all of the 50 States, have learned about the reapportionment amendment, Senate Joint Resolution 103.

The people of the United States know that a handful of men do not trust them to vote on this issue.

Is it not amazing to campaign on the premise that the people are too gullible to be entrusted with a vote on this issue? I submit that every citizen's ability to comprehend an issue—this issue—far exceeds anyone's ability to ponder fully the minds of those who seek office, for only God can know the mind of man. By the same token, all of us champion the right of the people to vote for candidates for office.

No, the people whom each of us has sworn to represent know what this issue is about, even if a few persons would kid themselves otherwise. They will find out, not incidentally, when they go to the people and ask them for their votes.

Again, let me underscore what we are discussing today.

The question before us is the gravest constitutional question since the founding of the Nation.

The legislation before us is utter simplicity and meets the test of every honest question.

Senate Joint Resolution 103 permits the flexibility needed by the States to adjust to the apportionment needs of the future.

It does not require any State to constitute a legislature in any way except the way the legislature and the people of that State decide.

Let us, by our vote on this resolution, adhere to this precious principle that the reapportionment right must reside in the people. It is my fervent hope that we can join together in preserving the principle by equating any differences in approach which should be resolved. The resolution of this critically important matter demands the best of all of us.

The first three words of our National Constitution are not "We, the Supreme Court," nor are they "We, the Congress." They are "We, the people."

Let us note this well. Let us abide by it in our votes on the measure.

(At this point Mr. MONDALE took the chair as Presiding Officer.)

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT TO SENATE ON INTER-PARLIAMENTARY UNION CONFERENCE IN CANBERRA, AUSTRALIA—CONCERNING VIETNAM

Mr. GORE. Mr. President, late last evening, I returned from the Interparliamentary Union Conference in Canberra, Australia, where I listened to a most interesting debate. It was an intense debate. One day, 200 delegates from some 40 countries sat for 5 hours, with scarcely a delegate leaving his seat during debate upon the war in Vietnam.

The Vietnam war seemed to be the subject in which the delegates to this Conference were principally interested.

We undertook to introduce other subjects, but there was little interest shown in any subject except the Vietnam war.

I was surprised to find the extent to which President Johnson's peace offensive around the turn of the year had succeeded in world public opinion. Perhaps those of us close to the scene in Washington had felt it was a bit ostentatious, that its credibility may have been subject to question, particularly by nonfriendly nations—if not by friendly or neutral countries.

However clumsy the peace offensive may have appeared to some, it seems to have had a good effect on world public opinion. During the debate, I felt that the United States was being given credit by all except the Communist-bloc countries, and with sincerity and an earnest intent to find a peaceful solution. This was pleasing to me, and I wish to extend my congratulations to President Johnson and Secretary of State Rusk upon this finding, which I believe to be a correct one.

I was also pleased with the extent to which our allies rallied around when propaganda resolutions were being presented, or propaganda points were being advanced by opposition speakers. Indeed, not only did our allies vote with us, but on two occasions I noticed that the delegate from Yugoslavia voted with the United States, or voted the same way as the United States, as did the delegate from Laos. Even the delegate from Indonesia, although he did not vote, made a statement indicating a position of neutrality.

Yet, with all of this rallying around, I invite the attention of the Senate not

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give any recognition to these considerations and countless others, tangible and intangible, in holding unconstitutional the particular systems of legislative apportionment which these States have chosen. Instead, the Court says that the requirements of the equal protection clause can be met in any State only by the uncritical, simplistic, and heavy-handed application of sixth-grade arithmetic.

But legislators do not represent faceless numbers. They represent people, or, more accurately, a majority of the voters in their districts—people with identifiable needs and interests which require legislative representation, and which can often be related to the geographical areas in which these people live. The very fact of geographic districting, the constitutional validity of which the Court does not question, carries with it an acceptance of the idea of legislative representation of regional needs and interests. Yet if geographical residence is irrelevant, as the Court suggests, and the goal is solely that of equally weighted votes, I do not understand why the Court's constitutional rule does not require the abolition of districts and the holding of all elections at large.

The fact is, of course, that population factors must often to some degree, be subordinated in devising a legislative apportionment plan which is to achieve the important goal of insuring a fair, effective, and balanced representation of the regional, social, and economic interests within a State. And the further fact is that throughout our history the apportionments of State legislatures have reflected the strongly felt American tradition that the public interest is composed of many diverse interests, and that in the long run it can better be expressed by a medley of component voices than by the majority's monolithic command.

What constitutes a rational plan reasonably designed to achieve this objective will vary from State to State, since each State is unique, in terms of topography, geography, demography, history, heterogeneity, and concentration of population, variety of social and economic interests, and in the operation and interrelation of its political institutions. But so long as a State's apportionment plan reasonably achieves, in the light of the State's own characteristics, effective and balanced representation of all substantial interests, without sacrificing the principle of effective majority rule, that plan cannot be considered irrational.

DEEP-ROOTED, SUBSTANTIAL DIVISION ON MERITS
CALLS FOR LETTING PEOPLE DECIDE

The entire record presents a deep-rooted division on the merits of this proposal, with a substantial, highly respectable segment on each side of a subject which is so vital to all of America and which will keenly thrust itself upon the future destiny of the Republic, of its governmental form and substance, and upon its entire citizenry.

Under such circumstances, the Nation is entitled to an opportunity to express its judgment and preference. The people are properly the ultimate source for such fundamental, far-reaching decision. The first step is resort to the often used procedure afforded in article V of our Constitution.

Approval of Senate Joint Resolution 103 by the Congress will achieve that first step. Then the States and their people will be able to decide whether they want the kind of constitution declared by the Supreme Court in *Reynolds against Sims* or whether they want to make available the restricted modification thereof pursuant to the *Dirksen amendment*.

Each State will have before it the question simply whether or not each State will retain control over the destiny, direction, and structure of its own State government. States know, and Congress should know that population, economics, and political power are shifting factors; and that what may be a superb determination of the composition of a State legislature today could prove to be the mistake of its State's history 10 years hence. No State will want to be locked into the status quo without authority to change the composition of its legislature to meet future conditions. The lines of restriction as to available changes are tightly drawn and clearly stated. They must receive approval of the popular vote. They must be reviewed every 10 years.

Mr. President, Nebraska is the only State which at the present time has a unicameral legislature. There is a provision in the *Dirksen amendment* specifically applicable to such legislatures. It would seem to be in order for me to explain, what is proposed in the case of a unicameral legislature.

In section 1 of the proposed amendment, we have the following language:

In the case of a bicameral legislature, the members of one house shall be apportioned among the people on the basis of their numbers and the members of the other house may be apportioned among the people on the basis of population, geography, and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate.

So we have a relatively simple situation as to bicameral legislatures, because, for any plan departing from the rule in *Reynolds against Sims*, we have a safeguard for the people. Such a proposed plan must be approved by both bodies of the legislature—not just one, but both bodies. One of them is always based upon population under either *Reynolds against Sims* or the *Dirksen amendment*. So if the representatives serving on a population only basis in that legislature agree to a plan, it is their best judgment that the interest of their constituents and of the entire State are well served thereby.

In the case of a unicameral legislature, that would not necessarily follow. If there were apportionment on a combination of population and area, there would not be the guarantee that a plan for reapportionment would necessarily represent all of the people within the State. So something must be substituted for that safeguard. That has been done. I am gratified to have been able to help in the drafting of this language. I think it will handle the situation well. Immediately following the language which deals with the bicameral legislature in section 1 of the proposed amendment, which I have already read. We have the following:

In the case of a unicameral legislature, the house may be apportioned among the people on the basis of substantial equality of population with such weight given to geography and political subdivisions as will insure effective representation in the State's legislature of the various groups and interests making up the electorate.

Mr. President, I call attention to the words "substantial equality of population." Those words were taken from the majority opinion in the case of *Reynolds against Sims*, as were the words "as will insure effective representation of the various groups and interests making up the electorate."

Those factors must be taken into consideration in proposing a plan which will be submitted to the voters of that State for approval.

Now, how is that done? What precaution is taken to see that the restrictions, standards, and guidelines in section 1 pertaining to unicameral legislatures will be followed?

That is taken care of, Mr. President, in the second sentence of section 2, which reads thus:

If submitted by a bicameral legislature the plan of apportionment shall have been approved prior to such election by both houses, one of which shall be apportioned on the basis of substantial equality of population;

That takes care of the bicameral legislatures. In the case of the unicameral, it is provided:

If otherwise submitted it shall have been found by the courts prior to such election to be consistent with the provisions of this Constitution, including this article.

The words "otherwise submitted" mean that if it is not submitted by a bicameral legislature, it will be submitted by a unicameral legislature.

So there will be a reference by the legislature of any proposed plan which departs from population as the sole basis of apportionment to the Federal courts, for a decision as to whether or not the provisions and guidelines of the proposed amendment have been abided by. If the plan passes judicial scrutiny, it will be placed on the ballot. If it does not pass judicial scrutiny, it will be sent back to the legislature with the court's opinion. An effort can then be made to comply with the court's opinion.

Mr. President, a decision has been rendered by a three-judge Federal court, approving a new reapportionment plan for the unicameral legislature in Nebraska. That decision allowed for a maximum population deviation in the districts of almost 20 percent.

So when we come to the matter of considering unicameral legislatures, the situation is surrounded by safeguards.

The care taken in drafting the language with reference to unicameral legislatures was not solely on behalf of the State of Nebraska. That language also received a great deal of study and attention because there have been many inquiries by other States as to how our unicameral legislature is working, and whether it would be suitable for adoption in other States. As time goes on, other States may wish to adopt that particular form of State government.

SUMMARY

One of the magnificent honors and deep obligations of election to this wondrous body, the U.S. Senate, is the opportunity to vote.

This simple, meaningful, cherished right to vote puts on brilliant display all the multitudinous facets of human na-

only to the depth of concern shown by the delegates from around the world but also to their deep apprehension that some unfortunate event, some match in the broom sage, by accident or otherwise, would escalate this unwanted war into a world conflict.

I am not sure that an editorial in the Australian, an outstanding newspaper of Australia, is exactly typical of this apprehension and this view; and yet I did find people holding similar views.

For whatever it may mean, I should like to read to the Senate an editorial that appeared in the Australian the day of our departure from Canberra. It is entitled "The Great Vietnam Dilemma," and I read:

[From the Australian, Apr. 16, 1966]

THE GREAT VIETNAM DILEMMA

The United States is in a unique and terrible quandry in South Vietnam. Allied forces in this campaign now total more than 750,000—500,000 South Vietnamese, 240,000 Americans, and 20,000 from Australia, New Zealand, and South Korea.

These troops are supported by 700 combat aircraft, about 1,600 helicopters, and the most efficient logistic and artillery services the world's leading technology can devise—at a cost to the U.S. taxpayer of \$80 million a day.

These forces will increase as the war goes on. The United States is being tied down in a war on the Asian mainland that it can't win politically, even if it can win militarily.

But the effect of this conflict is far greater than this. The chance of a direct confrontation between the United States and China grows. Any good will that has been built up between Russia and America is being dissipated.

In short, the position of the allies in South Vietnam is messy, complicated, and very dangerous.

The United States went into South Vietnam in the first place with the most honorable of intentions, even though its presence there was against the spirit and the text of the 1954 Geneva agreements and its accompanying declaration.

But, by going into South Vietnam, America got itself involved in a conflict with which it had nothing to do.

Its presence there has always been indefensible, for civil war has always been going on in Vietnam, and America and her allies have turned this into a full-scale campaign against Chinese communism.

It is time the Australian Government was honest with us. It must admit openly that we are not in South Vietnam to help a friendly government fight aggression from the north.

We are there because America has asked us to go; and because our Government believes it needs American protection. More crudely, this is insurance.

We are not increasing our forces to 4,500 in the middle of this year because we have been asked by the present South Vietnamese Government. We are doing it because the Americans want us to and need our moral support. Mr. HUBERT HUMPHREY, the U.S. Vice President, made this quite plain during his visit to Australia in February.

There is nothing wrong with the Government admitting this. Surely everybody knows it. And there is surely nothing wrong with the United States and Australian Governments admitting that the real reason the allies are in South Vietnam is to contain Chinese communism.

BOGGED DOWN

Both believe China is an aggressive force that has expansive designs on all countries in its neighborhood. Even if we grant this, is

involvement in South Vietnam the best way to contain China?

The United States in this area is a maritime power. It has the biggest arsenal of H-bombs in the world, the biggest navy, the strongest air force. But it is allowing these forces to be bogged down on the Asian mainland for an indefinite period. For what purpose? For a united Vietnam? Any united Vietnam would probably be a country under a Communist government or one of Communist sympathizers.

Does South Vietnam want permanent military occupation? What would be the difference between that and what is happening there now? The situation seems hopeless—and the longer it goes on, the worse it will get.

The answer is plain. The Australian Government must tell America that, while the United States stays in South Vietnam, we will stay, too, because we value America's friendship and are committed.

But we must tell America we think it is wrong for the United States and its allies to stay there, and that we must get out as soon as possible, the best way we can.

The United States must be prepared to negotiate with Hanoi and the Vietcong. The negotiations must be conducted on the basis that the United States and its allies are prepared to withdraw from South Vietnam.

But we must be aware of the consequences of this withdrawal. We must be prepared to face the fact that Vietnam will become a united country with an anti-West government.

But will it necessarily be a Chinese-dominated country? Southeast Asia has a long history of anti-Chinese sentiments. The heroes of Vietnam's history are those who fought the Chinese.

The theory is certainly tenable that, if Vietnam goes Communist, so will most of southeast Asia. But the theory is also tenable that, because of the long-standing anti-Chinese feeling in all these countries, they could well be independent of China, although friendly.

Let us face these consequences openly. Let us acknowledge that we will be betraying the trust of some ruling classes in southeast Asia who have become identified in Asian minds with Western power politics. This will certainly not be a pleasant fact to face.

But we also must face the fact that we have got ourselves into an untenable position in Asia. The consequences of withdrawal from South Vietnam will be horrifying. The consequences of staying will be even more tragic.

It is not in the best interests of South Vietnam, the United States or Australia that we go on as we are—wasting a country we are seeking to save, killing people we seek to make free, and risking world war through a conflict that was aimed at peace.

Our Government must tell the United States that we are its ally—but the time has come to stop the bitterness of Vietnam.

Mr. President, by reading the editorial I have not intended to and do not endorse all sentiments contained in the editorial. I thought the Senate and the American people might be interested in this point of view, expressed by a leading journal of an ally.

One would wonder if the soldiers of South Korea are there because the United States has asked South Korea to send them. One would wonder if this is true also of the Philippines.

This is not to diminish their aid and their assistance. I think the United States should ask them to send men; should ask Great Britain, should ask

France, and should ask other of our allies to aid in this conflict.

But the point raised in this editorial is that the Australian forces are not there because the Australian Government believes in the cause; not there at the request of the Government of South Vietnam; but there because the United States has asked that they be sent there, because Australia feels she must have the protection and cooperation of the United States. Australia, New Zealand, and the United States are closely allied.

Upon a brief stop in New Zealand I was impressed with the extent of pro-Americanism existing there. We stopped at a home, went in for a cup of tea, the television was on, and Danny Kaye was going full blast.

I asked what other American television programs they had. They quickly named several of them: "Bonanza," the "Beverly Hillbillies," and some other of these wonderfully cultural programs which we export.

The form of the money in both Australia and New Zealand is being changed to the dollar. As they grow closer to America, our ties, our bonds of friendship, and our mutual interests will become more fixed. I am entirely in favor of this.

But let us be aware that we have responsibilities worldwide. Let us be aware that these responsibilities are wider than the Vietnam conflict. The sun does not rise and set exclusively on Vietnam. Let us keep this war in perspective and relate our difficult challenge there to our responsibilities elsewhere and otherwise.

I was very much interested in the vote of the Yugoslav delegate. I recalled, as I heard him vote with the United States, the bitter fights we had had on the floor of the Senate about giving some modicum of foreign aid to Yugoslavia. As I understood that program, it had dual motivations, good will and eleemosynary intents on the parts of the United States, but that it was also the instrument of U.S. foreign policy that we sought to encourage revisionism within the Communist bloc. We sought to drive a wedge, to chip away from its monolithic solidarity. Revisionism of Yugoslavia and Marshal Tito were vigorously and viciously denounced by the Soviets. They wished Yugoslavia firmly and completely within their camp. Apparently they have not entirely succeeded.

I was also very interested to hear the speech of the Laotian delegate in which he denounced aggression against Laos by the North Vietnamese through use of the Ho Chi Minh Trail.

Let me remind you, Mr. President, that Red China wanted Laos and wanted her completely and 100 percent within the Communist bloc. They have not succeeded entirely as was demonstrated by the voice and the vote of the delegate from Laos; and by the position of the Government of Laos.

I do not know that it would be possible for South Vietnam or a unified Vietnam to take a neutral or nonaligned position and succeed, but I call to the attention of the Senate, as the content of the editorial which I read will do, that there have been centuries of contests and con-

frict between the Vietnamese and the Chinese.

The intenseness of this animosity, political, economic, nationalistic, is not known to any but scholars and historians, owing to its existence over a period of hundreds of years.

Now that elections are to be held in South Vietnam—and I hope they are held—I trust my Government will use its influence to permit all citizens to vote without respect to their religion or their political views.

We do not deny in America the right of a citizen to vote because he is a Christian, a Moslem, a Jew, or an infidel. We do not deny the right of a citizen to vote because he holds political views antagonistic to the majority view.

But I suppose, Mr. President, that in making these remarks I am demonstrating personally the messianic character of our culture. We think our system is so precious that we wish to extend it to everyone. The shot that was heard around the world initiated the most revolutionary political event of modern history.

Those who have been nurtured in our democracy hold it so dear and believe it is of such great benefit to all mankind that we wish to extend it to all. But, Mr. President, let us stop short of seeking to impose it upon anyone. If we really believe in self-determination, then let the Vietnamese choose their form of government. I would hope earnestly that they would choose a pattern which would preserve the human dignities, rights, and privileges exemplified so nobly by our system. But, Mr. President, whatever their choice is, they should have the right to determine. We should no more seek to impose upon South Vietnam an American-type state than we should yield to the imposition of a Communist order by force and violence from North Vietnam and Red China.

So, Mr. President, if as a result of these elections there is a coalition government or some other form and order of society which wishes to be rid of war and which wishes to adopt a nonaligned or neutral status, could we ask for more? Do we really believe in the right of self-determination?

I recall the anxious voices of those who urged the late President Kennedy to send American combat forces to settle the Laotian conflict and issue in our own way. Indeed, the late President told me one night that he had just received recommendations from all three members of the Joint Chiefs of Staff and its Chairman to send forces into Laos. Fortunately, those voices were resisted by the late President.

I recall the dire predictions of many that the compromise settlement and government in Laos would, before nightfall, practically result in that country's becoming a Communist satellite. So as I listened to the speech of the Laotian denouncing the aggression by North Vietnam, and as I listened to him vote with the United States on the resolutions presented, I realized that, at least up to now, the prophets of doom had been proved wrong; that the processes of political accommodation had demonstrated value.

I am not sure that this example provides any solution in South Vietnam. There the conflict is bigger and more far reaching than the problems of the Vietnamese—north and south—because Vietnam has become the focus of a world power struggle. Here, contesting and antagonistic ideologies are in confrontation. I only hope that the situation can be kept in perspective and that the martial attitude, as it continues to rise, will not lead inexorably to a world conflict, of which I found so many world statesmen apprehensive.

Mr. PROXMIRE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. PROXMIRE. I commend the Senator from Tennessee on a most interesting, enlightening, and helpful statement. In particular, I should like to say that I agree wholeheartedly with his emphasis on the importance of our recognizing that we must not try to impose an American system, an American view, an American civilization, an American type of government on the South Vietnamese. Self-determination means nothing, if they are not free to make up their own minds.

Does the distinguished Senator share my feeling that while an election in the next 3, 4, or 5 months undoubtedly will involve certain military problems and might very well result in a diminution of military effort on the part of the South Vietnamese, it could—I do not say it will, but it might—be very helpful for several reasons?

First, it would provide for an elected civilian authority in South Vietnam. Second, it would be an expression by the people of South Vietnam of their support for a government, an expression which we do not have, and certainly do not have in the Ky government.

Third, in the event such a government, as I am convinced it would—I may be wrong—supported the position of the United States and voted willingly to accept our assistance, it would put us in a far stronger position than the position in which we now are. In the event such a government did not do this, in the event that the form of government of South Vietnam was honestly elected and we were requested to withdraw our forces, it seems to me that we would have discharged our obligations under the SEATO pact. We would have done all that this Government honorably could do, and our withdrawal would be under honorable circumstances.

Mr. GORE. First, I wish to thank the distinguished senior Senator from Wisconsin for his generous, complimentary references.

Next, in reply to his interrogatories, I wish to express grave doubt that an election of an acceptable sort could possibly be held in Vietnam except under cease-fire conditions.

How, I ask the Senator from Wisconsin, can the ballot box be used as an instrument in the areas of Vietnam which are controlled by the Vietcong, unless there be some *modus vivendi*, some agreement, or some accommodation? An election held only in Saigon would prove but little.

I do not know whether the processes of election are now possible. I hope they are. I am not sure whether the leaders of the military junta were ready for it. I rather have the impression that an election is being forced upon them. But it may be good to try, and I hope that the United States would lend every effort—indeed, would offer—in the interest of a democratic expression of the views of the people of South Vietnam, a cease-fire for the period of a campaign and an election.

As I recall, a period of a fortnight is set aside for the campaign and the election. I am not sure that such an offer on the part of the United States would be acceptable by the Vietcong, but let them reject it.

I took a similar view for a long while before President Johnson's speech at Johns Hopkins, in which speech he finally offered to seek a negotiated settlement.

I pleaded for that for months. Let the other side reject negotiation for peace, I urged. Let us stand for it four-square. I now find, as I have said earlier, that the President's peace offensive has been successful in bringing world public opinion more favorably to our side. I do not say that it is fully or predominantly on our side, but it has been brought more favorably to our side.

If there are to be elections in South Vietnam, which Secretary Rusk endorsed in his testimony this morning, then let us make an offer that would appear to make them viable, offer a condition without which they may not be viable.

I agree with the Senator that, if a valid expression of public will in South Vietnam were contrary to our wishes and our interests, we would nevertheless be bound to accept the result.

Mr. PROXMIRE. Mr. President, in response to the statement of the Senator from Tennessee, I agree wholeheartedly that an election without a cease-fire would have far less meaning and less significance than would an election with a cease-fire.

A cease-fire is certainly what we should strive for and try to achieve. However, I feel also that the prospect of getting a cease-fire so that an election can be held is virtually nil. Perhaps I am wrong, but to strengthen the Vietnamese would be the last thing that the Vietcong or the North Vietnamese would agree to. However, even if they did not, it would seem to me that an election, limited, and difficult as it may be, held only in the 25 percent of South Vietnam controlled by the government, with 50 percent of the people in that area being in any position to take part—if that is the correct figure—and with only a limited tradition of voting, although they have had local elections which have been reasonably successful, would be an improvement on what we have now. It would be some expression. It would be a beginning. It would provide, if not a more stable government, at least a civilian government with a possibility of the government being more stable.

Mr. GORE. Mr. President, I concur in the statement of the Senator. I agree that a popular government in even a por-

tion of South Vietnam, would be an improvement over an unabashed military dictatorship, although I should prefer, as I have suggested—and with which suggestion the Senator agrees—conditions obtaining which would permit a popular expression in all of South Vietnam. Nevertheless, I agree with the Senator that, that failing, then an election in such portion of South Vietnam as is possible would be an improvement over the present situation.

Mr. PROXMIRE. Mr. President, I welcome that statement very much. The Senator from Tennessee is one of the ablest, shrewdest, and most thoughtful members of the Committee on Foreign Relations. He is an expert in that area. The Senator has served on that committee for many years.

The Senator has just visited Australia and has returned from that country with a fresh viewpoint. I very enthusiastically welcome his position that we should not have this gloom and doom attitude about an election. Many people seem to feel that the worst thing that could happen would be an election in Vietnam.

I believe the Senator from Tennessee is right in his perspective, understanding, and knowledge in recognizing that, while there are dangers and risks involved, it is very possible that the situation might conceivably be substantially improved, and that we at least would have a situation in which there would be a government with an elected legitimacy, a government with some civilian control over the military. There would be an opportunity for the people of Vietnam to feel that they had some way of expressing their view other than by these debilitating and divisive protests on which they have been relying.

Mr. GORE. I thank the able Senator.

Mr. ALLOTT. Mr. President, I have listened with some interest to the remarks of the distinguished Senator from Tennessee, and particularly to the Australian article to which he referred.

People always have different points of view in any country. However, I do not have a hard time recalling a time when Australia was tickled to death to see an expansion of the American military effort in the South Pacific. Port Moresby was threatened, and indeed they feared that the whole of northern Australia might be invaded by the Japanese.

The question here is not whether we should permit elections in Vietnam. I think that we must do so if that is what they want. Other factors must be considered. One such factor is whether the elections will be free.

We could have a cease-fire and still have the Vietcong sitting in the woods with guns pointing at everyone, ready to retaliate if the particular village involved does not vote in the manner in which the Vietcong thinks it should vote.

A lot more than meets the eye is involved in this situation.

THE SALE AND REPURCHASE OF BOMBS

Mr. ALLOTT. Mr. President, I wish to comment very briefly about a situation

which has been called to my attention by the Associated Press.

It was disclosed that the United States is buying back from a German firm, Kaus and Steinhausen Co., of Schweinge, Germany, 7,562 of our 750-pound bombs for a price of \$21 apiece. These bombs had been sold to them 2 years ago for a cost of \$1.70.

I ask unanimous consent to have printed at this point in the Record an article entitled "United States Buys Back at \$21 Bombs It Sold for \$1.70."

There being no objection, the article was ordered to be printed in the Record, as follows:

UNITED STATES BUYS BACK AT \$21 BOMBS IT SOLD FOR \$1.70—5,570 SOLD TO GERMANS 2 YEARS AGO FOR FERTILIZER USE BEING REPURCHASED

The United States sold a German firm 7,562 bombs as junk for \$13,736, 2 years ago and now, in wartime, is buying back 5,570 of them for \$114,500.

The Defense Department provided this information in response to questions about the transactions which Secretary Robert S. McNamara said Thursday indicated no shortage of bombs for the Vietnam war.

McNamara disclosed the repurchase during a press conference to answer charges by House Republican Leader GERALD R. FORD that the war has been shockingly mismanaged and hampered by a bomb shortage.

McNamara denied this, pointing to increasing tonnages of explosives being dropped against the Communists in the southeast Asian country.

Then the defense chief mentioned that the United States was buying back 750-pound bombs from a German firm that bought them in 1964 for fertilizer purposes. The nitrates of bombs are plant nutrients.

In response to a question about the bomb repurchase, McNamara said with a laugh: "Well, I would certainly hope we aren't paying more for them than we sold them for."

The figures provided today show that the United States sold the bombs for about \$1.70 each and now is paying approximately \$21 apiece to get them back.

The United States halted production of 750-pound bombs, favored for most missions in South Vietnam, in the mid-1950s after the Korean war. Only recently did orders go out for renewed production.

Due to the time required to tool up for production, fresh supplies of the 750-pounders aren't scheduled to be available before July, although the secretary said he believed the timetable can be accelerated.

The repurchased bombs originally cost \$330 each, the Pentagon said. A similar size today costs \$440.

Here is what the Pentagon said in response to questions about the deal:

"In March 1963 authorization was given to dispose of some excess 750-pound general purpose bombs stored in Europe.

"In January 1964 and April 1964, 7,562 of these excess 750-pound bombs were sold to Kaus & Steinhausen Co., of Schweinge, Germany. At that time this represented about 2 percent of the U.S. supply of 750-pound bombs. It was determined that the storage space for these bombs could be better utilized and the money it cost to store and maintain them could be better spent. This was a year and a half before the B-52's began bombing in Vietnam."

The reply went on to give the prices.

Mr. ALLOTT. Mr. President, the Secretary of Defense is quoted as saying that these bombs were declared excess in January 1964, when storage space was short. He pointed out in defense of this action that it was a year and a half before the B-52's began bombing Vietnam.

This is one of the dozens of examples available to us of how we have been waging the war in Vietnam. We have been too little, too late and on again and off again, until we have confused not only the Vietnamese, but also a portion of the world concerning our objectives in Vietnam.

I doubt if very many members of the Committee on Armed Services or of the Subcommittee on Defense Appropriations did not believe in their hearts in January 1964, and during that entire year, that a buildup in Vietnam was inevitable. In fact, such a buildup had already occurred.

Yet here we were, disposing of bombs in January of 1964, upon which we now pay them a profit of \$19.30 a bomb. I do not know how that comes out in percentages, but it represents somewhere around a 1,000 percent profit we pay them for the bombs that we sold them less than 2 years ago.

This has come from that great computer factory across the river, the Pentagon: The know-all, see-all, divine-all of the future.

How we could have been so absurd is beyond me. I do not wish to go into the many such matters, but I shall refer to two instances which occur to me very quickly.

In that same year of 1964—when I say again, it should have been obvious to everybody, even though Secretary McNamara may not have known it, that we were going to have to have a tremendous buildup in South Vietnam, or else lose the boys we have there—what did we do to support that buildup? We waited until May of 1965, when we starting building the port at Cam Ranh Bay. According to the recent testimony of the Secretary of Defense before the Defense Subcommittee on Appropriations, of which I am a member, that port is not operational now, and will not be fully operational until May. That is how we have intelligently faced the problem of South Vietnam and the war we are carrying on there under the great leadership of the Secretary of Defense.

A NEW TYPE OF CARGO AND OBSERVATION PLANE

Mr. ALLOTT. To mention another instance: For several years, there has been discussion in the Defense Subcommittee of the need for a new V/STOL type of cargo and observation plane for use in the South Pacific. Finally, after we had been discussing this need for at least 2 years, and perhaps 3, the Secretary of Defense came to the Appropriations Committee in January of this year, and asked for the reprogramming of several hundred millions of dollars, a part of which finally is to be used for that plane, which the committee has been saying all along we need—or many of its members have—and which the Secretary of Defense now says has been long and badly needed. I do not need to remind Senators that there are C-47's over there now equipped with machineguns; and this is just another example of the kind of war we have waged, with far too little, far too late, sadly to the detriment of the welfare and the lives of our boys in South Vietnam.

Mr. President, I remind Senators that I make this statement in the context that I believe we were there rightly, legally, and correctly in the first instance; because the question of whether or not we have elections involves whether or not we shall have free elections, and also involves whether or not we shall abandon the principle of resisting the expansion of communism throughout the world. That is the real question, in my opinion. If there are to be free elections, and if we are to step out, I say that it will be the biggest single loss of prestige that this country has suffered in its whole proud history.

But then, that is rather to be expected, when we consider the loss of prestige we suffered during the first Cuban invasion, or that which we suffered at the building of the Berlin wall, first the fence and then the wall, in August of 1961; or when we look at the subsequent action when India took over by force the Portuguese colony of Goa; or when we bowed down in deep obeisance to Sukarno, and abandoned our friends, the Dutch, on West Irian—which most of us know as West New Guinea or Dutch New Guinea—an area to which the Indonesians never have had any political, social, economic or ethnic claim.

Such loss of prestige should not be surprising, when we consider our back-down on our brave words that we would insist on inspections in Cuba, during the second Cuban crisis, and the fact that no one really knows today, I believe, what the missile situation is in Cuba; or when we top all this with the complete back-down and turnaround in the U.S. position with respect to article XIX of the United Nations Charter, which governs the right to vote at the United Nations in New York, in January of this year, even after our own position had been fortified by a decision of the International Court of Justice.

But even with all of this loss of face and loss of faith of the world in the purposes and sincerity of the United States, if we should have to face the eventuality that has been discussed on the floor today, I say it will be the darkest single day for the position of the United States in the history of the world.

Mr. President, as to the matter of the recent discussion on the floor with respect to the right of the people of South Vietnam to choose and select their own form of government, I am also concerned about the rights of Americans to choose and select their own form of government; and I wish that the same yardsticks would be used by those who oppose the present resolution with respect to Americans that they are so anxious to accord to the people of South Vietnam.

APPORTIONMENT OF STATE LEGISLATURES

The Senate resumed the consideration of the joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law

and the provisions of the Constitution of the United States.

Mr. ALLOTT. Mr. President, in 1964 and in 1965, when we had under consideration in this Chamber other measures to return to the people of the States the question of the composition of their State legislatures, I set forth my basic reasons for supporting those measures. I have found no strong reason to change my position, and I have consequently cosponsored and warmly supported Senate Joint Resolution 103.

On prior occasions, I have detailed the story of what transpired in Colorado, in regard to the apportionment of our legislature, beginning with the general elections of 1962. I wish to repeat that bit of history today, because I feel it is so instructive on the fallacy or the folly involved in depending on the Federal courts to apportion legislatures, rather than having the people of the States do the job for themselves. Further, some ignorance or misunderstanding of the circumstances involved in Colorado has been demonstrated in the Senate, and I should like to set the record straight.

In the general elections of 1962, two proposals to change our State constitution's provisions concerning apportionment of the legislature appeared on the ballot. Both proposals were initiated with the electorate.

I wish to emphasize this, because a great deal of debate has taken place upon the false premise that these were initiated by a rurally controlled legislature, when they were actually initiated by the people of Colorado under the initiative and referendum clauses in our own Constitution and statutes.

The procedure for initiating laws or constitutional amendments in Colorado is quite simple. The proposal is submitted to the secretary of state. He, together with the attorney general of the State and the reporter of the State supreme court, assign a ballot title and submission clause to the proposal. If the persons submitting the proposal are dissatisfied with the titles or the submission clause, they may appeal the matter to the State supreme court, where it is placed at the head of the calendar.

The proposal is published in each county, and any qualified elector is given the right to challenge the title and submission clause, and to appeal the matter to the supreme court in the same way that originators of the proposal may do.

Petitions for the proposal may then be circulated, and the proposal will be submitted to a vote of the people if the signatures of qualified electors equivalent to 8 percent of the votes cast for secretary of state in the preceding general election are obtained.

It was in this manner that the two proposals for constitutional amendments relating to legislative apportionment were placed on the general election ballot in 1962. The proposals were not referred by the legislature, as has been alleged by some Senators. For example, the junior Senator from Maryland, on Thursday of last week, charged that a rotten borough legislature in Colorado framed the referendum on apportionment, and framed it in such a way that the people of Colorado were denied a fair choice,

and, in his words, the referendum was a farce. I find the Senator's description of events in my State offensive, and doubly so because it is not accurate.

At any rate, two proposals went on the ballot in 1962. Amendment No. 7 was sponsored by a bipartisan group of distinguished and respected Colorado citizens. The group included Edwin C. Johnson, known to many of my colleagues, a former U.S. Senator and Governor of Colorado, and a Democrat; another former Governor of Colorado, the late John C. Vivian, Republican; Joseph F. Little, lawyer and former Democratic State chairman of Colorado and Democratic cochairman of Denver County; Warwick Downing, an attorney, Democrat; and Wilbur M. Alter, former chief justice of the Colorado Supreme Court, Republican. The amendment provided for a house of representatives based on population and a senate based primarily on population, but taking into account also the distinctive geographical, economic and historical divisions of the State, and maintaining a balance in the strength of urban areas, suburban areas, and rural areas.

Amendment No. 8 called for both the senate and the house to be apportioned on equality of population, although it also recognized geographical features to a limited extent by allowing a larger deviation from the strict population ratio for mountainous senatorial districts.

Let me, at this point, correct another misstatement which has been made here in the Senate about our Colorado election of 1962. It has been said that amendment No. 8, the population-only plan of apportionment, would have required that in multimember districts all candidates for the house would have to run at large. To be absolutely factual about it, the voters of a multimember district could, in a referendum, elect to divide the district into subdistricts. The procedure for subdistricting was, in my opinion, cumbersome, but it was undeniably an improvement over the constitutional provisions which had theretofore governed apportionment, and which flatly forbade subdistricting.

I have gone into this detail, Mr. President, to show the errors which have been made in discussing our situation in Colorado by some of those unfamiliar with it. I believe the record is now clear that both proposals were initiated, not referred by the legislature, and that the question put to the voters was a clear choice between a population-only plan and a weighted representation plan.

Amendment No. 7 was adopted by the voters in that referendum of November 1962, by a statewide vote of 305,700 to 172,725. It won in every county of the State—63 of them—including those counties which the U.S. Supreme Court held were underrepresented when it later considered our apportionment.

Amendment No. 8, the strict population plan—which was in line with the consequent Supreme Court decision—was defeated by a vote of 311,749 to 149,822, or by a ratio of better than 2 to 1.

So here we have two proposals appearing on the same ballot, both initiated by the people, not by the legislature, both